Our Boston Correspondence.

BOSTON, April 29, 1854.

Sulky April—Close of the Legislative Session—The Webster Monument—Mr. Eastburn's "Annual, or Leibro d'Oro" of Boston—The "Solid Men"—Death of Mr. Jamieson—His Probable Successor—The Athenæum Gallery and Library—The City Library—The Shaw Case—The Hoosic Tunnel—Sectarian School—Another Slap at the Pope's Chops, &c., &c.

April leaves us in a very sulky humor, and the prospect of a fine May day is not much better than that of a resumption of specie payments by the Cochituate Bank, though still as good as could be expected, wondering that a doleful old woman "frolic May" becomes in this part of the world.

The Legislature is expected to rise to-day, taking pay up to Monday night. It has been in session 116 days, and has cost the State about $155,000. This is the biggest bill that Massachusetts has ever yet paid for a legislative session, so far as I know. The session has been nearly four weeks shorter than that of 1852, and there are 102 less members than there were that year; and yet the bill this year is the largest. This has happened from the increase of the per diem from two dollars to three dollars—a measure not to be condemned in itself, but which was impolitic under the circumstances.

The House, with almost one hundred whig majority, refused to concur with the Senate in the good work of erecting a monument to Mr. Webster. The whigs are a precious set of cowards, and deserve to be beaten, but whether they shall receive their deserts is yet to be decided upon. They attribute the failure of the project to the "factious opposition" of the free soilers—there being some four whigs to each free soiler in the House, and many democrats ready to aid the former if they would but act. It is quite evident that the whigs are striving to get free soil and abolition votes, and they have insulted Mr. Webster's memory in their desire to conciliate his worst foes.

Mr. Eastburn, city printer, has just published his annual, which is a sort of book that would have delighted the heart of Mr. Arthur Gride, had it not been broken by the loss of Madeline Bray's fortune. It bears the title of "List of Persons, Copartnerships, and Corporations, who were taxed on Six Thousand Dollars and upwards, in the city of Boston, in the year 1853, specifying the amount of tax on real and personal estate, generally, conformably to an Order of the city council." Rather long, indeed, to be sure, but mightily suggestive. It contains 144 pages, and though it has a great sameness in some respects, there is a vast variety of figures, from the insignificant six thousand to the majestic million. There are more than five thousand names of individuals, firms, and corporations in the book. Abbott Lawrence stands at the head of the list, and Charles Sumner at the bottom of it. The former pays $8,562 40 on property of the value of $1,124,000, and the latter $5 60 on $6,000. The next highest individual is Mr. Lawrence is David Sears, whose possessions are valued at $862,100, and whose taxes are $7,051. Both these gentlemen are much richer than this book makes them out. No one doubts that Mr. Lawrence's death would be as profitable as three millions of dollars to his heirs. He would cut up to that amount. He has a great deal of property out of Boston, and that in the city is probably underrated to the extent of half a million. He is also taxed as a member of a great firm. The richest of the Appletons is Nathan Appleton, whose property is put down at $612,000, and much larger. William Appleton, now one of our members of Congress, is worth $559,800; and Samuel Appleton is taxed for $511,000. The Appletons have brains and benevolence as well as money. The Brookses maintain their reputation for wealth—Peter C. Brooks figures at $363,000; Edward Brooks, $334,000; and Gorham Brooks, $176,000. John Bryant is taxed on $595,400, and William Sturgis on $379,500. John C. Gray stands at the head of that name, his property being $357,200; and that of his brother, Francis C. Gray, $145,000. Donald McKay, the great shipbuilder, and also the builder of great ships, is taxed at $79,000. Our public men have very unequal fortunes; Edward Everett has $216,000, and Rufus Choate only $25,000. Mr. Prescott, the historian, is taxed on $144,800, and Mr. Hilliard, on only $11,000. John A. Lowell is the richest member of that family, being put down at $75,500. Francis C. Lowell pays on $144,200. George W. Lyman stands at the head of his name—$205,600; and Charles Lyman, $173,000. John Hancock is good for $97,000, so that the name is as respectable now as it was eighty years ago. Colonel Greene is rated at $43,000, which is a sort of Roman Emperor's dish, being the brains—or results of the washings of the brains—of many animals. He is much richer than the amount set down against his name represents him. William Foster Otis is the highest of that name—$78,600; and Alleyne Otis, $3,000. These gentlemen are sons of the late H. G. Otis. Josiah Quincy, Sen., is rated at $328,000; but he is much richer than that. Report says that he has made, or will make half a million dollars out of the purchase of the city wharf property. Josiah Quincy, Jr., does not figure in the Boston *Libro d'Oro* for 1853, except in the character of trustee. Robert G. Shaw is taxed on $304,600; and Robert G. Shaw & Co. are taxed on $200,000. Lemuel Shaw, Chief Justice of our Supreme Court, has $107,500. Samuel A. Eliot is set down for $144,000. Most, if not all, of these properties are greatly underrated, the modesty of men toward the tax-gatherer in regard to their possessions being proverbial.

The death of Mr. Jamieson, Naval Storekeeper of the Charlestown Navy Yard, has placed a good thing at the disposal of the President. The place is nominally worth $2,700 per annum, but its real value is to be measured by the conscience and ability of the gentleman holding it. The gentleman is said to have made a fortune out of a few years possession of it, and that is not very easily come out of $1,700. He used to purchase hay at $40 per ton, (for the use of the horse marines, I suppose,) paying really fifteen or twenty dollars, and pocketing the difference, beside feeding his own horses, cows, and so forth, out of the purchase. In this way, and some others of a similar character, he was enabled to make up for the error of the government in keeping the salary so small. Mr. Jamieson was a good officer; but his chief merit, so far as securing the appointment, was the fact that he was a General Pierce's brother-in-law, the President being not an infidel in the matter of taking care of the members of his own family. It is understood that Mr. Pierce, who is chief clerk, or something of that sort, in the storekeeper's office, is the principal applicant for the present place; and as he is backed by Frothingham, of the Post, and several other gentlemen, who have benevolently engaged in the work of saving the authorities at Washington all trouble in the matter of Massachusetts appointments, his chances of success are thought to be good.

The Athenæum Gallery of Paintings and Sculpture has not been opened. The exhibition promises to be a good one this season; but it is yet too early to pronounce upon it.

The Athenæum library will soon be closed, and so remain for about six weeks. It is the custom to keep it shut up about a fortnight in May; but as time is needed to arrange the books properly—they never having been duly taken care of since they were placed in the new building—it has been resolved to complete their arrangement this year.

The City Library will be opened on Tuesday next. It contains 12,000 volumes—not a very large number, to be sure, for the "American Athens," but just 12,000 times better than we had before. Then it will grow, provided there shall not be more works stolen from than added to the institution.

The decision of the Shaw case, whereby Mrs. Shaw has recovered $15,000 from the Boston and Worcester Railroad, is very generally approved. Her husband was killed, and herself horribly mangled, by a train of cars on the Worcester road. She is an invalid for life, helpless both in body and in mind. The case has been taken up to the full bench of the Supreme Court.

In the case of Southwick against the city of Boston, the jury this morning brought in a verdict for the plaintiff, giving him $12,000 damages, or two-fifths of his claim, for injuries received by falling into the passage-way of the press room of the *Traveller* newspaper office, on Congress square, some time since, whereby the entire lower part of his body was completely paralyzed. It was proved to the jury's satisfaction that the railing that separated the sidewalk from the passage-way was too low, there being an ordinance which requires that all such railings shall be 36 inches in height, whereas the railing in the instance referred to was but 29 inches high. It was endeavored to show in defence that the plaintiff was intoxicated at the time of the accident, and Mr. Choate exercised all his peculiar powers to convince the jury that he was leaning over the railing—and in the act of imitating Captain Lemuel Gulliver, when that great man was employed as chief of the fire department in Lilliput, and specially engaged in extinguishing the conflagration that was consuming the royal palace—when he fell, and thus not exercising that due care which the law requires of all men. This plan failed, and properly so, Mr. Choate being thoroughly defeated in the one case as he had been victorious in the other—for he was senior counsel for Mr. Shaw. Justice was done in each instance.

There are doubts expressed in some quarters whether the loan of the State's credit in aid of the tunnel project is likely to prove of any use to the undertaking, after all. The bill granting the loan of the public credit has been made stringently framed, in order to prevent loss to the State—and without such provisions it would not have been carried—that somebody must lose a little, perhaps a good deal, in the way of investing money before the State's aid can be rendered available. A great amount of private capital must be raised and expended on the enterprise before there can be touched one dollar of the money that is to be had from the great source. Even when the latter shall commence making its appearance, it will do so in but small amounts, comparatively speaking, and very slowly. So much must be done before the company can get a fair hold of the great prize, that it would seem that the object of the framers of the bill was to defeat the scheme while ostensibly pretending to favor it.

The sum of $13,000 has been raised toward building the Franklin Monument, which will soon be constructed. Two thousand more will complete the desired sum.

The Catholics have had another dig in the ribs at the hands of our House of Representatives. On Tuesday a resolve was introduced to provide for an insertion into the constitution of an article that public moneys should never be made use of for the establishment of sectarian schools. Everybody knows this to be aimed at the Catholics, as they were so unwise as to regard such a provision in the new constitution as aimed at themselves. The resolve was passed by a vote of six to one—140 to 23—men of all parties going for it, with as much animation as their great grandfathers used to take part in burning effigies of Mr. Guido Faux, that most ambitious and unhappy of pyrotechnists. That article of the new constitution which forbade the granting of money for sectarian schools was rejected by only 411 majority, while the main proposition was lost by a majority of 4,928. Such difference shows how the whigs must have voted for the objectionable article, especially as many democrats and free soilers, who voted for the main proposition, voted against that article. The vote by which the House finally adopted the measure above mentioned was twenty-five to one—standing as follows: 200 yeas and 8 nays! This is more power to the elbows of the Know Nothings, success to whom is ardently desired in almost every quarter. We are determined to keep Romish priests in their proper places in this part of the world.

A proposition to build a new school house at East Boston, at the cost of $45,000, and large enough to accommodate 700 scholars, is before our Common Council.

Mr. Emory Baumister, who has just been appointed Postmaster at Worcester, is a gentleman altogether unknown to fame. A friend from Worcester tells me that he is quite a young man, has been a clerk in some manufacturing concern, and has always acted with the democrats, voting the coalition tickets during the five years that they were run in Worcester county. Mr. Lincoln, who leaves the office, has had no commission for a year, but has been "hanging over" ever since last May. It was supposed that Mr. Knowlton would have the place; but times have changed since Gen. Cushing sought to get that gentleman to take the initiative in a movement calculated to secure the electoral vote of Massachusetts for Gen. Pierce, through the aid of the free soilers, a business in which Mr. Knowlton would have no part. Had the appointment depended upon Gen. Cushing's word, Mr. Knowlton would undoubtedly have gotten it; but the hostility to that gentleman in the Presidential bosom is known to have been insurmountable. The President desired the vote of Massachusetts very much, and he could have had it but for the determination of some of the coalition democrats that they would not be engaged in any attempt at an alliance with the free soilers in matters of national politics. Had the men referred to moved, that vote would have been secured for Gen. Pierce. They wouldn't move, and he never has forgiven them, and he never will. So far as business capacity, acquaintance with Worcester, a high character for integrity and political station go, Mr. Knowlton was precisely the man for the station. Of course, he hadn't a chance for the place.

ALGOMA.

Our Washington Correspondence.

WASHINGTON, April 25, 1854.

The Weather and its Effects on Fashion—The Theatres—Old Bullion—The Cuban Junta.

Some future American Tacitus or Macauley, looking back upon the *memorabilia* of the present epoch, and seeking a distinctive appellation for it, will probably classify it as the age of eccentricities and delusions. As such it may hereafter be designated in contradistinction to the golden age, the age of brass, the age of iron, and those other venerable names that are labelled on the archives of time. The physical and the social world seem to be alike imbued with this eccentric spirit. Perhaps I might better say that the example of the physical world exhibiting such queer freaks as we have seen of late, reacts on the sensitiveness of our nature and gives rise to the delusions and eccentricities into to which the human mind has recently more than ever plunged. For instance, last week, here we were shivering in Caucasian snows, and now, by one of those unaccountable vagaries to which I allude—lo! and behold! we are melting under the rays of tropical sun. Five or six days ago shawls, muffling coats and umbrellas, were indispensable to out of door exercise. Now, straw hats, grass coats and patent leather shoes are quite *a la mode*, and though the umbrella is still carried it is a protective from the burning rays of the sun.

"Can such things be
And overcome us like a summer's cloud
Without our special wonder?"

The advent of the season of sunny skies has caused the exodus from Washington of the great majority of those fair but too transient visiters whose smiles would add to the charms of the early summer. The swallows have come in, and the migratory ladies of fashion have gone out. The hotels are so many caravansaries of pilgrim bachelors, and the sight of a handsome face at the dinner board has become a positive luxury. But if there has been a fashionable stampede among the pretty women who spent the winter here in the pursuit and imparting of pleasure, we are almost compensated for their loss by the sight of the Washington ladies proper, who promenade the north side of the avenue during the whole of the afternoon, and who can favorably compare in point of personal appearance and elegance of dress with the ladies who make of Broadway a moving panorama of beauty. Pennsylvania avenue, from the Capitol to the White House, is the grand promenade of Washington, and the public grounds of either end—which have been much beautified of late—are also very pleasant rendezvous. The exhibition of juvenility is the next interesting and remarkable feature in the evening promenade. Children in the arms of swarthy nurses; children sitting in state in their green-canopied coaches, drawn by a younger scion of the great African family; children guiding their hoops between the legs of absorbed legislators, and children disguised as young men or women, form by far the largest item in the schedule of out of door life. Washington is decidedly opposed to the Malthusian doctrine. I should imagine that bachelors and old maids are curiosities—the star of piccaninnies being evidently in the ascendant. To be sure, out of the eight hundred clerks employed in the departments there is a large proportion of young aspirants to matrimonial comforts, but there is every disposition evinced by them to exhibit their points to admiration, and I suppose they can be accommodated out of the growing ranks of maidenhood.

In one of my former letters I gave you some account of our two theatres—the National and Risley's—and expressed surprise how they managed to protract their existence. But the desperate struggle is over. Dissolution befel them both. They could hold out no longer; and so, nearly at the same time—to use an expressive Americanism—they caved in. The proprietor of the National advertises for a manager and company on a sort of joint stock principle. He offers to appropriate the receipts first to the payment of salaries and current expenses, then to the payment of the rent, and then; if there is any surplusage or profit, it is to be apportioned between the manager and shareholders. Few managers would care to engage in the enterprise on these terms. He would be apt to find out very soon that his remuneration was nowhere. In the meantime, however, we have Franconi's Hippodrome, open daily and nightly, and the thousands who are attracted by the brilliant performances have little regret for the closing of the Thespian temples.

Colonel Benton—familiarly known as Old Bullion—relieved himself to day of the dose which he had been so long threatening to administer to the author and friends of the Nebraska bill. The galleries were thronged with auditors. The ladies' galleries, particularly, were crowded with handsome and elegantly dressed women, and the liveliest interest was manifested in the address of the veteran statesman. Mr. Benton is emphatically a gentleman of the old school, being extremely courteous and pleasing in his manner. He dresses with scrupulous neatness, and I am satisfied that many of the ladies admired his well brushed locks, his spotless white vest, his easy and graceful deportment, and the musical tones of his voice—which, however, he sometimes allows to sink too low—could have wished to give the dear old man any quantity of kisses. Incident to this anti-Nebraska speech of Mr. Benton, a decision has been made by the Chair, which, if maintained, will have the effect of nullifying the rule limiting members to one hour's speech. After Mr. Benton's time was exhausted, but not his subject, the unanimous consent of the committee was asked to permit him—as a matter of respect to his age and character—to conclude his remarks. There were a few objecting voices, which, however, sufficed to prevent his proceeding.

But Mr. Wentworth, of Illinois, having obtained the floor, moved a *pro forma* amendment to the Diplomatic Appropriation bill, then ostensibly under consideration, and yielded his right to address the committee to Mr. Benton, who, therefore, resumed and concluded his speech. If this parliamentary *ruse* is legitimate—which I very much doubt—then it can be resorted to by every member who thinks proper to make a speech of two or three hours duration; and the present rule will eventually stand as a mere dead letter, thereby retarding the business of legislation.

The leading spirit of the Cuban Junta—Mr. Golcouria—has been here a day or two ago, and probably had an opportunity of impressing some of his filibustering views on the President and Cabinet. Curiously enough, the *Union* published a communication from Havana on the Africanization subject the day after his arrival.

NINGUNO.

Our Virginia Correspondence.

OLD POINT COMFORT, VA., Sunday, April 23, 1854.

Arrival of the Falcon in Distress—The Frigate Columbia, &c., &c.

Our quiet place, particularly the garrison of Fort Monroe, were on the *qui vive* this morning, occasioned by the arrival here of the steamship Falcon, with companies G, K, B and D, Third Regt. U. S. Artillery, *en route* for California. The cause of her delay, and necessity of putting in here is the discovery of some defect in her machinery and leaky condition, it being necessary to ply three steam pumps to keep her afloat, thus rendering her unfit to proceed on her journey further.

At the time of my writing, a violent northwest wind is blowing, rendering the disembarkation of the troops necessarily slow and tedious; but, three small vessels are "lying by," *a la* Three Bells, Kilby, &c., ready to relieve the ship of her burden the first opportunity. Col. Crane, Commandant of Fort Monroe, assisted by Quartermaster Maj. Martin, very efficiently and promptly provided for the necessities and emergencies of the command, personally superintending everything that could alleviate the proverbial misfortunes of the gallant Third.

Whether the Falcon will undergo the necessary repairs and resume her journey, or be superseded by another and more substantial vessel, is yet a matter of uncertainty, the decision of the proper authorities being awaited thereon. With the melancholy fate of the San Francisco and her human freight, still fresh in the memory of all, it behooves those concerned to avert, if possible, a repetition of that awful tragedy, even at the sacrifice of a few paltry dollars in order to secure the safety of those who do their country's bidding. But certainly, it would seem as if the lesson above named had been thrown away upon the parties empowered to select a transport, and well is it the discovery was made while near an hospitable shore. The opinion of Major Wyse will be heartily concurred in, and his course in regard to this vessel amply justified.

The U. S. frigate Columbia, Commodore Newton, left her moorings opposite here yesterday, and was towed to Norfolk. She is in good trim, officers and crew all well, and seems to "frown with vengeance around," perhaps merely an illusory opinion consequent upon her late presence at Havana, or the general aspect of affairs throughout the world. Her officers visited the fortress prior to her departure in full costume, when, no doubt, our gallant army and navy were drawn together by the prevailing feeling of patriotic ardor, to say nothing of the usual modes of "cementing" the union.

Thomas McCann, a soldier of Fort Monroe garrison, was accidentally drowned in the canal which surrounds the abovenamed place, on Sunday night last. The night being pitchy dark, and blowing a gale at the time, he missed his way, when returning from the rear, and was precipitated into a watery grave. The deceased was respectably connected, his family residing in your city, and whose sad fate is lamented not only by his former comrades but all of his numerous friends and acquaintances.

Too much praise cannot be awarded to the Messrs. Willard for the active and substantial part they have and are taking for the convenience and comfort of their host of friends and patrons in prospect. Their hotel at this place will, when opened, vie with any other "peri-odical resort" in the country.

RIP RAPS.

Affairs in China.

[From the Boston Advertiser, April 29.]

We have received by the last overland mail from India and China, by way of England, the Hong Kong *Friend of China*, of Feb. 25. We have already published from London papers, Canton news to this date. This paper contains additional intelligence from China of some interest, a part of which deserves notice.

In our paper of the 19th inst., we published from a Hong Kong paper of a previous date, the official notice of Mr. E. Cunningham, the American Vice Consul at Shanghae, an official notification dated Jan. 29, that he had received instructions from the American Commissioner in China, to deliver up the papers of American vessels on their leaving port, without requiring the production of a Chinese Custom House clearance, so long as vessels under other foreign flags are allowed by the Chinese to enter or leave port without reporting and paying duties. In conformity with the instructions so announced the ship Oneida sailed for New York, on the 24th of January, without payment of duties.

Subsequently to that date, the Chinese authorities at Shanghae, although they had not succeeded in regaining possession of the chief part of the city, announced to the consuls of England, France and the United States, that they had established a temporary Custom House on the north side of Soochow Creek, at which the transaction of business would begin on the 9th of February. The three consuls in consequence issued the following notification of their determination to recognise this provisional Custom House. The Oneida, therefore, was probably the only vessel which cleared without securing payment of the export duties on her cargo.

SHANGHAE, Feb. 6, 1854.

To HIS EXCELLENCY WOO, Superintendent of Maritime Customs &c.

The undersigned, representing at this port the three Powers possessed of treaties with China, are in receipt of your Excellency's communications addressed to them individually announcing the establishment of a temporary Custom House on the north side of the Soochow creek, at which business is to commence on the 9th inst.

The undersigned have agreed to acquaint your Excellency simultaneously, and in the same terms of their perfect readiness to recognise this Custom House, upon the understanding that its surveillance is equally to affect every vessel of every nation, whether a treaty Power or otherwise. And, therefore, they give notice to the merchants amenable to their several jurisdictions, that the customs business of all ships entering the port after the 9th inst., will be settled at the provisional office on the creek, and that this arrangement will continue in force until the recapture of Shanghae enables your Excellency to reopen the Custom House heretofore in use. They must request you to call on all other whom it may concern to observe the same rule. (Signed)

RUTHERFORD ALCOCK, R. B. M.'s Consul.
EDAN, Consul de France *ad interim*,
EDW. CUNNINGHAM, Vice Consul U. S. A.

True copy. W. H. FITZROY.

The same paper contains the proclamation, of the superintendent of the silk revenue of Hang-chow, the produce of which consisting chiefly of teas and silks, is usually transported to Shanghae, for sale to merchants of the Western nations. In this proclamation the Governors of the districts producing those commodities are requested to require the subordinate officers of the customs to stop all teas and silks on their way to Shanghae, until tranquillity shall be restored there, so that they may not be shipped without the payment of the export duties. The height of the season for these products was already past, but the Governors were requested to instruct the magistrates of the districts where they are produced, to call on the dealers to desist from bringing any into Keang-soo.

It will be remembered that the revolutionary party are in possession of the fortified part of the city of Shanghae, from which the imperialists, who are in possession of the suburbs, have been, under the direction of the Samqua, the Taoutae, or Governor, for some months earnestly endeavoring to dispossess them, but apparently with little prospect of success. There are some leaders in the revolutionary party in the city, who are in correspondence with the leaders at Nankin. Of these, Lew is the chief, who is described as of only twenty-seven years of age, a man of great talent, firmness, and energy. But their force is greatly outnumbered by the imperialists, and the latter have confidently anticipated being able to expel them.

Our last advices give a particular account of an attempt which was made by the imperialists to storm the city, through a breach which was made in the wall by the explosion of a mine, which by their perseverance had been carried under it by tunnelling for a considerable distance. This took place on the morning of January 30. The explosion produced a shock like that of an earthquake. An eye witness of this affair addressed to the North China *Herald* the following account of it:—

Sir—The wall of the city of Shanghae was breached early this morning. The match, in that long and much talked of mine, from the We kwe, was lighted a few minutes after six o'clock. The explosion to me, (being within two hundred yards of the spot) was truly terrific. The shock was much more violent than any earthquake I have yet felt at this place. The concussion split my hall door in two, forced one window, and smashed many panes of glass.

I lost no time in placing myself in a position to witness the decisive struggle. Some 2,000 Imperialists were crowding hard on the breach; but the insurgents, by throwing into the pass a constant shower of powder bags with lighted matches, caused a wall of fire to occupy the place of the demolished wall of earth and brick.

Both parties, dispensing with fire-arms, used those weapons commonly used by pirates in boarding a vessel, the main object of which is to inflict wounds by burning. The imperialists, being crowded closely together, suffered greatly from this method of warfare; for while they at one time appeared to be waiting for the insurgents to exhaust their supply of missiles, they (the rebels) were actively engaged in hurling upon the heads of the mass below, bricks, stones, powder bags, and jars of powder mixed with oil with lighted matches; while others on each side of the breach poured upon the suffering mass streams of liquid fire, from what the Chinese call "pung dong." Indeed, the Imperial troops appeared to be wading in fire; many of their own miseries appeared to go off in their hands or on their persons; the garments of many appeared to be on fire; and to say the least, the confusion was complete. At this juncture, about twenty minutes after the explosion, a few insurgents, with sword and shield, were seen to emerge from the breach. They were soon engaged by as many Imperialists, armed in like manner. They clashed swords a moment—the insurgents charged through the pass—the Imperialists quailed, and fled in a body. The insurgents pursued them into the We-kwe, from which they fled to the battery at McKenzie's bridge. Thus some 200 insurgents, with Spartan valor, not only defended the breach, some fifty feet broad, against immense odds, but repulsed the whole Imperial force, and captured the We-kwe, with a battery of twelve guns, and many jingalls and other munitions of war. The Imperialists, finding they were no longer pursued, deployed to the east, with the design, it would seem, of turning the flanks of the insurgents and recapturing the battery; but, by this time, there were not less than a thousand insurgents on the field to hold them in check. The insurgents immediately set themselves to work repairing the breach, removing the guns, &c., from the battery, pulling down the walls of the We-kwe, and burning such parts of the main building as had not been shot away.

This done, and the breach temporarily repaired, the insurgents, at a few minutes after ten o'clock, retired into the city, whereupon the Imperialists charged, and very gallantly recaptured the demolished We kwe. The fighting was all over by half past ten o'clock. The insurgents, it is said, lost ten killed and as many others wounded. It is said that many of the Imperialists were butchered in the We kwe—the whole loss is not known. The imperialists, it is said, attributed their failure to enter the city to some foreigners, who told them not to enter the breach.

A very unlikely story this; I witnessed the whole struggle, and felt quite sure that there were no insurgents engaged except the usual guard upon the wall, or those men quartered near the wall at that point. The reinforcement came after the Imperialists had been repulsed. In the heat of the fight an eight pound ball from the imperialist battery, evidently out of its way, came dashing into my roof, and after piercing the main corner beam, (inflicting no little injury to my roof,) and coming hard up against another beam that was not less yielding than the rebels in the breach, it invaded the privacy of my barricaded room, not, however, without scaling the walls, when I seized it "as a warning to all."

In the *Friend of China* we find further particulars of this remarkable assault, and its signal failure. It is stated that the engineering skill displayed by the imperialists was highly creditable to them. The following extract gives some further facts, which will serve to afford an idea of the spirit with which this warfare is carried on:—

"In two places it was found that they had succeeded in getting within ten feet of the wall—one of the tunnels running under a moat eight feet deep, through a soil which yields water at a depth of six feet. Forty bodies of the imperialist soldiers were found in one of these tunnels after the explosion. None of the rebels were killed by it. Two men were buried for a short time in the loose earth, but were taken out alive. In the fight which followed, however, nine of the rebels were killed and twenty wounded (five of whom have since died.) The chief Ahing, alias Skinner's horse boy, was wounded in the shoulder. One of the emissaries from the camp at Nankin was among those killed; he was a confidential agent, and had made four journies to Chin keang foo and back, within the previous two or three months.

The breach, though thirty feet in length, was repaired with sand bags in a short time, and the wall is now as impregnable to the Imperialists as ever. During the four hours fight which followed the explosion of the mine, the rebels expended upwards of two tons of powder, and effected, it is generally believed, a great deal of injury to the imperialists. The attack and carrying of the Imperialist battery, though forced on them earlier than they intended, was indeed only what had previously been arranged by Lew; who, knowing Samqua's intention to establish a custom house again, resolved on making a demonstration. It is believed that the Imperialists have fought better at Shanghae than at either of the cities taken from them during the war. But it is of no avail. Their poor match-locks form poor weapons against the rebels' muskets.

Later from New Mexico.

BATTLE WITH THE INDIANS.

The following despatch is from the St. Louis *Republican*:—

INDEPENDENCE, April 24, 1854.

The Santa Fé mail arrived yesterday, bringing intelligence of a fight, on the 5th of March, between a detachment of twenty-six men, under the command of Lieut. D. Bell, of the Second Dragoons, and a party of Jicarilla Apache Indians, number unknown. The loss of the United States troops was two killed and four wounded. The Indian loss, nine killed and twenty one wounded. The celebrated Apache chief Lebos was among the killed.

On the 30th March another fight took place, twelve miles from Loar, between a company of sixty dragoons, commanded by Lieut. J. W. Davidson, First Dragoons, and a party of nearly three hundred Jicarilla Apache and Utah indians. The soldiers suffered severely, losing twenty-one killed and eighteen wounded. The Indian loss is unknown, but supposed to be very great. Another report gives the number of soldiers killed at forty. A strong force, under command of Col. Cook, are in pursuit of the Indians.

Twenty United States soldiers deserted their post at Fort Albuquerque on the 27th ult., taking forty of the best horses and all the Colt pistols belonging to their company.

California emigrants are leaving daily—all in good health.

Mr. James Milligan, one of the Fremont party, reached Westport yesterday.

Governor Merriwether passed here yesterday for Louisville.

NAVIGATION OF THE AMAZON.

Interesting Diplomatic Correspondence Between our Minister at Lima and the Peruvian Government.

NO. IV.

LEGATION OF THE UNITED STATES, LIMA, Feb. 4, 1854.

To HIS EXCELLENCY SENOR DON JOSE GREGORIO PAZ SOLDAN, Minister of State in the Department of Foreign Relations of Peru:—

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has received the note which his Excellency Don José Gregorio Paz Soldan was pleased to address to him on the 16th ultimo, communicating to him the interpretation his Excellency gives to the second, third and tenth articles of the treaty of amity, commerce and navigation between the United States and the republic of Peru, and deducing therefrom conclusions which the undersigned could not accept, even if the admission or non-admission of vessels of the United States into the Peruvian waters of the Amazon were questionable, as a matter still to be discussed and decided. But such is not the case, and his Excellency has mistaken (equivocado) the object and purpose of the undersigned, in supposing that in his note of the 31st of December last he inquired whether vessels and citizens of the United States could navigate and carry on commerce in the Amazon and its tributaries within the Peruvian territory, since the right to do so is perfect, and its exercise begins from the time when a single Brazilian vessel or subject is admitted into those waters.

The object of the undersigned in addressing that note to his Excellency, the Minister of Foreign Relations, was simply to ascertain whether Brazilian vessels and subjects would be admitted to navigate and carry on commerce in the Amazon and Huallaga, as far as Yurimayasa, in which case he purposed to claim the same license for the citizens and vessels of the United States. The undersigned had no occasion to ask whether citizens of the United States would be permitted to participate in the commerce and navigation of the Peruvian waters of the Amazon, since the rights conferred by the aforesaid treaty had been already confirmed by the decree of the 15th of April, 1853, especially by the provisions of its second article, which is as follows:—

The subjects and citizens of other nations which also have treaties with Peru, whereby they may enjoy the rights of the most favored nation, or to whom the same rights in regard to commerce and navigation are communicable conformably to said treaties, shall, in case of obtaining an entrance into the waters of the Amazon, enjoy on the shores of Peru the same rights conceded to Brazilian vessels and subjects by the preceding article.

The third article declares Loreto and Nanto to be ports open to foreign commerce.

Therefore, in view of this decree, it is evident that the citizens and vessels of the nations who have treaties of navigation and commerce with Peru, were acknowledged by the government of this republic as the possessors of the same right of transit through the Peruvian waters of the Amazon, upon the same footing with Brazilian subjects and vessels; and the United States being one of the nations particularly indicated, the right of their citizens to navigate and carry on commerce in the manner mentioned was expressly recognized and corroborated. If any reasonable doubt existed of this decision of the Peruvian government in favor of the United States, it was removed by the official understandings of the undersigned with the predecessor of his Excellency in the Department, Don José Manuel Tirado, whose notes have been published. It is easy for the undersigned to show this without fear of its being refuted; to which end he will cite chronologically the events in connection with the question.

The treaty between Peru and Brazil, signed in Lima on the 23d October, 1851, the ratifications of which were exchanged in Rio Janeiro on the 19th October, 1852, was communicated officially to the undersigned on the 9th of March, 1853, or shortly before. On that day the undersigned addressed a note to the Minister of Foreign Relations, in which, after citing the articles of said treaty relative to the navigation of the Amazon and the trade in its waters by steamers, referring also to the 2d, 3d and 10th articles of the treaty between the United States and Peru, dated the 26th of July, 1851, the undersigned, in virtue of them, had the honor formally to request of the Peruvian government to adopt measures to secure to the citizens of the United States the full enjoyment of all the favors, privileges, advantages, and immunities in the commerce and navigation, with steamers or sailing vessels, of the river Amazon and its tributaries, in the same manner as was conceded to the Empire of Brazil by the Convention of Commerce and Fluvial Navigation, and its separate articles, concluded at Lima between the republic of Peru and his Majesty the Emperor of Brazil, on the 23d of October, 1851.

Thus, then, the undersigned, without the slightest delay, as soon as the treaty was communicated to him, claimed officially from the Peruvian government that the citizens and vessels of the United States should be placed, with respect to the commerce and navigation of the Peruvian waters of the Amazon, precisely and identically upon the same footing as Brazilian subjects. The treaty between the United States and Peru is of a prior date to that which was signed between Peru and Brazil, and as the stipulations of the former are most liberal and comprehensive, with the intent to grant to their respective citizens every favor conceded by the contracting parties to other nations, the undersigned consequently asked in his aforesaid notes only for what the United States had a clear right to.

After the undersigned had transmitted said note to the Peruvian government, he had almost daily official interviews with Mr. Tirado, the Minister of Foreign Relations; the right which the citizens of the United States have to navigate and carry on commerce in the Peruvian waters of the Amazon, upon the same footing and terms as the subjects of Brazil, being fully examined into and admitted by his Excellency. So certain is this, that on various occasions his Excellency informed the undersigned that his government could not give a more favorable answer to the note of the 9th of March, than by issuing a decree upon this subject. In fact, the decree of the 15th April was published, and in a subsequent interview Mr. Tirado repeated to the undersigned that he might consider that act as an answer to his note, and an acquiescence in the demand for equality and participation for the citizens of the United States in the same favors as the subjects of Brazil enjoyed in the Peruvian rivers.

In order that his Excellency may be still more convinced that the Peruvian government positively recognized the right claimed by the undersigned in favor of the citizens of the United States, he will inform him that at his suggestion the word "Loreto" was inserted in the third article of the decree of the 15th of April.

On the 30th of April, 1853, Mr. Cavalcanti d'Albuquerque, the Brazilian Minister in Lima, addressed a note to the Minister of Foreign Relations, "denying to any government through whose territory the Amazon passes the right to conclude with another which is not in the same case, any treaty or convention in regard to navigation without the consent of Brazil."

This extraordinary doctrine, which, if carried out, would convert the transatlantic provinces of Peru and the other neighboring republics into subjects of Brazil, as their rivers are tributary to the central channel of the Amazon, was properly rejected by Mr. Tirado in his reply of the 20th of June last, in which, after defending the decree, and citing the second and third articles of the treaty between Peru and Great Britain, he says:—

Articles analogous and conceived nearly in the same terms are to be found in the treaty existing with the republic of the United States; and as soon as it was proceeded to concede to the government of Brazil an entrance for its subjects into the ports of the Amazon, whatever may be the general decision of the law, Peru was obliged to declare the same favors extended to the vessels of those nations with whom she has the said treaties already mentioned, for the term of their duration, in case the said vessels should obtain an entrance into the waters of the Amazon.

He hopes that your Excellency will consider this note as sufficiently explanatory with regard to the reasons for the provisions of the first and second articles of the decree of the 15th April, and will regard them only as the execution of the international obligations of Peru with other States.—(Report presented to the Chambers of 1853 by the Minister of Government and Foreign Relations, Document No. 12.)

These official opinions and declarations of the Minister of Foreign Relations are very explicit; but if still further proofs were required to demonstrate that the Peruvian government has irrevocably acknowledged the right of the citizens of the United States to navigate and carry on commerce in the waters of the Amazon, they will be found in the following extract from another note from Mr. Tirado to the Minister of Brazil, dated the 30th of September, 1853, in replying to the protest addressed to him by Mr Cavalcanti, on the first of the same month. Therein he said:—

I cannot do less at present than insist that if the navigation of the Amazon is to be considered a private right of the people owning the banks, either by the principles of common law, or by the construction of that clause of the treaty with Brazil to which I have alluded, Peru is not at liberty to deny to the subjects of other nations with whom she has treaties, the right to enter those places situated on the banks of the Amazon and in Peruvian territory to which Brazilian subjects are permitted to come, because that right on the part of those nations has been secured by anterior stipulations, among which I cited to your Excellency, in my said note of the 20th of June, an express article of the pre-existing treaty with the government of her Britannic Majesty, and alluded to another article of the same force and signification, in a treaty concluded with the United States.

This government was the less at liberty to deny that communication of the right of access to the Amazon, during the continuance of said treaties, because the representative of the United States in this capital, directly after the treaty with Brazil was published, addressed me a note dated the 6th of March last, of which your Excellency was verbally informed by me, and in which he claimed that right, by reason specifically of that same clause of the second article of the treaty in which the exclusive navigation of the States owning the banks (ribereños) is mentioned.

As this government was unable to offer any plausible reason by which it could sustain its negative or prohibition to enter the river, to the subjects of the nations with whom it has treaties, in which this concession is provided for, nor decline to satisfy demands supported in that manner in their text, even had there not been considerations of any other nature, and of a voluntary character, the declaration of the second article of the decree of the 15th April was obligatory on the part of the government.

What Peru recognizes is: That holding the right of navigation in the Amazon, as a State owning the banks, and although this navigation may be exclusively the property of the nations who are in the same position as herself, she cannot deny access to the parts of her Territory washed by this river, to the citizens of nations who have stipulated this benefit in their favor, in case like access be conceded to the citizens of another State.

Treaties concluded with the solemnities required by international law, have equal force when they do not conflict with each other; if they do so, really or apparently, the nation with whom the oldest treaty was made must be preferred in all that part in which the stipulations of a later treaty are in conflict.

If there be a collision between two treaties made with two different powers, the more ancient claims the preference, says Vattel, book 2, chapter 17, section 315.

The fulfilment of the stipulations of a treaty with one nation, in conflict with those already made in another treaty with a different nation, infringing the rights acquired by the latter, would be an inversion in the order of fulfilling obligations, such as is neither permitted nor tolerated by international law. Consequently Peru cannot carry into effect the stipulations with Brazil in regard to the navigation and commerce of the Amazon and its tributaries, without at the same time putting the citizens of the United States